

SUPPLEMENTAL TO CRIME REPORT

06-015743

Ref. AR 06-015779

CRIMES: 664/187 PC, Attempt Homicide
69 PC, Felony Resisting of an Officer

VICTIM: Officer Jacob CUTTING, ID #268

SUSPECT: Artemis Lamont WHALUM, dob 07/01/73

LOCATION: 771 El Cajon Blvd.

DATE/TIME: 10/09/06 at 1426 hours

REFERENCE: Case Summary

On 10/09/06, at approximately 1235 hours, police officers responded to a 415 D.V. call at 771 El Cajon Blvd. The officers responding to this call were Unit 248 (Brian EHLERS) and 56Paul (Darren EHLERS). They arrived on scene, contacted a male and female, and determined this call to be a verbal only 415 and not a domestic violence. Both male and female were field interviewed and released.

On 10/09/06, at approximately 1335 hours, there was a recall to 771 El Cajon Blvd. by the same reporting party stating that the female had returned and the male and female were again arguing. Responding officers to this call were Unit 207 (Jacob CUTTING), Unit 248 (Brian EHLERS) and 56Paul (Darren EHLERS).

The male contacted in both calls was the same male subject who officers initially identified as [REDACTED]

As a result of the second radio call to 771 El Cajon Blvd., officers attempted to take the suspect into custody for violation of parole and being an armed and dangerous subject. The suspect broke free and a foot pursuit ensued to the area of El Cajon Blvd. and Wilson Street, where the suspect turned towards Officer Jacob CUTTING and squared off in a fighting stance. Officer CUTTING then struck the suspect twice with his expandable baton (ASP). The suspect climbed into the back bed of pickup truck occupied by a female. Officer CUTTING attempted to strike the suspect an additional time while the suspect was in the back of the pickup, believing that the suspect was possibly going to take the vehicle. During the swing of the ASP towards the suspect, the suspect was able to block the strike of the ASP and subsequently gain control of the ASP and remove it from Officer CUTTING's custody. The suspect raised the baton over his head in a striking motion towards Officer CUTTING. Officer CUTTING then drew his Glock service weapon and fired two rounds at the suspect.

At the same time that Officer CUTTING was firing his duty weapon, Officer Brian EHLERS was on the passenger side of the vehicle and fired his taser at the back of the suspect. The scene was secured by Patrol officers and eventually released to investigators to control, collect and process evidence.

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Investigator HOEFER and I went to Wilson and El Cajon Blvd. and were introduced to [REDACTED]. [REDACTED] dob [REDACTED] [REDACTED] was transported to the Investigations Division, and an interview was conducted. The following is a synopsis of our interview.

[REDACTED] stated she had left her residence at 1013 El Cajon Blvd. #5 with the intention of going to the post office on Lexington Avenue. As she was on Wilson just before the intersection of Wilson and El Cajon Blvd., she saw a black male adult running towards her vehicle with a white male police officer chasing him. The police officer was hitting the black male with a baton. Believing that the black male may try to get into her vehicle, she hit the door locks so the doors were locked.

[REDACTED] stated that as the black male was running towards her vehicle, they made eye contact and that is what made her want to lock her doors. The black male then went to the driver side of her vehicle and subsequently was hit again by the police officer. The black male then jumped in the bed of her pickup truck. She heard the black male yell "go, go go", and out of fear she leaned over towards the passenger seat. [REDACTED] heard three shots and then other male voices. One of the male voices told her, "Ma'am, you need to put the truck in park and get your keys and get out." She looked up and saw a police officer next to her vehicle on the passenger side. She obeyed what he said and exited the vehicle.

She described the look on the black male's face as desperation. She described the black male as 5'7" in height, 260 to 270 lbs. She described the officer as being smaller and thinner, approximately 160 to 165 lbs. She said she has never seen the black male before.

Officer Brian EHLERS, Unit 248, was also interviewed. The following is a synopsis of his interview.

Officer Brian EHLERS stated that he responded to the original radio call of the male/female domestic violence at 771 El Cajon Blvd. The manager was the R/P, and it was determined that this was a 415 verbal between the male in Room #218 and a female that was out by the street. Brian EHLERS explained that he arrived at the location just before Officer Darren EHLERS, Unit 56Paul. Officer Brian EHLERS contacted the black female adult at the street. She identified herself as [REDACTED]

[REDACTED] dob [REDACTED] Officer Darren EHLERS, when he arrived, went to Room #218 and contacted the male subject who identified himself as [REDACTED] dob [REDACTED]. After talking back and forth, it was determined that this was a verbal 415. After conducting records checks on both subjects, they were released on field interviews.

Officer Brian EHLERS said he also responded to the second call at 771 El Cajon Blvd. He was upstairs in the motel room talking with the subject who identified himself as [REDACTED]. He stated that during this contact, Officer CUTTING told him that he recognized this subject and CUTTING actually asked, "Aren't you the guy that we had to fight with last year?" The subject was asked to sit down on the corner of the bed. He stood up a couple of times and was then told to sit down. Officer B. EHLERS stated that Officer CUTTING was asking dispatch to run the subject that they knew as [REDACTED] under a different name. Officer CUTTING then asked for tattoo information, and Officer B. EHLERS remembers a marijuana leaf on the left calf and "EAST DAGO" on his back. Officer B. EHLERS stated he saw some of the tattoo on his back. They were told to clear their air and advised that he was [REDACTED]. Officer B. EHLERS and Officer CUTTING then attempted to place the subject in handcuffs to detain him because he was becoming agitated. Prior to getting the

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handcuffs on the subject, the subject stood up and ran towards Officer D. EHLERS who was in the doorway. Officer D. EHLERS tasered the subject, and the subject continued to "bull rush" Officer D. EHLERS. The subject then ran down the hallway, down the stairs, and out to the street. Officer B. EHLERS then continued to run after the subject, along with the other officers. Officer B. EHLERS stated, "This guy's gonna carjack somebody." He stated this because there were several vehicles on the roadway. As he was running towards the intersection, he saw Officer CUTTING getting closer to the subject and watched the suspect jump into the back of a pickup truck. Officer B. EHLERS saw that the subject now had Officer CUTTING's ASP in his hand, and he drew his taser and fired his taser towards the back of the suspect. At the same time, he heard two gunshots. He was unaware if the taser was deployed first or if the shots were fired first. The subject then laid in the bed of the truck, and the driver of the truck was asked to step from the vehicle.

Officer B. EHLERS stated he did not see Officer CUTTING strike the subject at any time with the ASP, but did see the subject with the ASP while he was in the back of the truck. Officer B. EHLERS stated that after the subject "bull rushed" Officer D. EHLERS and once the subject had Officer CUTTING's ASP, he feared for his safety and feared for Officer CUTTING's safety. He felt that the subject may be attempting to carjack the vehicle and also might use the ASP as a weapon. Officer B. EHLERS stated that they needed to get him in custody.

[REDACTED], the PERT R.N. clinician who rides with Officer D. EHLERS. [REDACTED] stated that she did respond to the second call with Officer D. EHLERS, but she was not with Officer D. EHLERS on the first call. Because of her status, [REDACTED] normally stays behind until things start settling down and then moves in to where officers have contacted subjects. She did see the subject as he was sitting on the bed being contacted and stated that he looked like a "loose cannon". At one point she saw him rush out of the motel and Officer D. EHLERS shoot him with his taser. She said the police then followed after the subject as he was running towards Wilson and El Cajon Blvd. [REDACTED] was not at a location where she could actually see the shots being fired and/or the taser being deployed. She also did not see Officer CUTTING strike the suspect with an ASP, nor did she see the suspect with Officer CUTTING's ASP. She did hear the shots prior to going around the corner and observed Officer CUTTING on the driver's side of the vehicle and Officer B. EHLERS on the passenger side. She stated that Officer D. EHLERS was contacting a black male adult on the sidewalk who was drunk and very argumentative. She described the black male adult as being in his 30s, 6'4", 250 lbs., stating he was "an in-shape, huge guy".

An interview was completed with Officer Darren EHLERS, and the following is a synopsis of that interview.

Officer D. EHLERS responded to both calls at the Villa Serena. During the first call, he was without his clinician and during the second call, his clinician was then with him. During the first call, it was determined to be a 415 only between the subjects. Both subjects were interviewed, and the female was last seen walking towards the trolley station. During the second call, he and Officer CUTTING were at 336 S. First Street on another radio call. After completing that radio call, they responded to El Cajon Blvd. He noticed that Officer B. EHLERS was inside the room with the suspect, and Officer CUTTING was walking in and out through the threshold of the motel room. Officer CUTTING explained to him that he had arrested this guy last year and told him to, "Be on your toes." Officer D.

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Officer CUTTING said he knew the guy, that he was tasered three times during the last arrest, and that he could go south at any time. He described the black male adult as 6'3" to 6'6", 300 lbs., with full sleeved tattoos on both arms. He saw the subject getting very antsy, and he stood up twice and was looking very nervous. In Officer D. EHLERS' opinion, he felt that the subject was looking for an escape. He said the subject was breathing rapidly and tensing up. He remembers the subject stating at one point that he did not want to go back to prison.

Officer D. EHLERS was standing at the threshold of the door. As he saw the subject becoming more agitated, he placed his right hand in his cargo pocket and grabbed his taser. He watched Officer CUTTING and Officer B. EHLERS attempt to handcuff the subject, at which time the subject pushed them both away, stood up, and started to run towards him at the door. Officer D. EHLERS fired his taser and believed the prongs maybe hit and that the subject was going to kill him. The taser wires wrapped around Officer D. EHLERS' arm and while he was attempting to taser the subject, he was also being tasered. As the subject got up from the bed, he started swinging and batting at Officer D. EHLERS, and pushed him away like he was "an empty milk carton". The officers followed the subject down the stairs as the subject was attempting to get away, and the subject ran straight out into the traffic. Officer D. EHLERS was running towards the corner of Wilson and El Cajon Blvd. and was watching the subject being chased by Officer CUTTING.

Officer D. EHLERS stated that as he started to crest the corner around GI Joe's, he saw that Officer CUTTING made a wide turn. At one point Officer CUTTING got to the driver's side of the vehicle and he saw brass cartridges flying away from him and heard gunshots. He then saw Officer CUTTING in a low ready and sees Officer B. EHLERS on the passenger side of the vehicle with his taser going off. He could actually see the taser wires from where Officer B. EHLERS was standing to the suspect.

Officer D. EHLERS was also trying to figure out as he was running down the street where his clinician was. He believes his clinician was behind him and eventually showed up at the scene. Officer D. EHLERS stated that his attention was drawn to a black male adult that came up from behind GI Joe's. The subject was intoxicated and disruptive and appeared to try to approach Officer B. EHLERS from the rear. Officer D. EHLERS then took the subject to the sidewalk and detained that subject. The subject that was just detained kept asking what happened and stated, "You killed him, I saw you shoot him."

Officer D. EHLERS stated the taser is very effective, but he felt that he might be too close and the suspect was grappling at the wires trying to rip them off of his chest. Officer D. EHLERS stated, "I thought he was going to take me out and I was between him and freedom" and, "He came straight at me". Officer D. EHLERS complained of lower back pain and a stomach ache and felt it might have been stress from the incident.

Officer D. EHLERS also stated that Officer B. EHLERS was right in the line of fire as he turning around the corner. He was unsure if Officer B. EHLERS was okay. Officer D. EHLERS was concerned about what they were going to do when they caught the subject because he was already stating he did not want to go back to prison.

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An interview was completed with Officer Jacob CUTTING. The following is a synopsis of that interview.

Officer CUTTING stated he was with Officer Darren EHLERS at 336 S. First Street, when Officer D. EHLERS put them both en route to El Cajon Blvd. Once he arrived, he recalled the subject seated in the motel room as a subject he was in a fight with a year earlier. He had heard the subject was giving a last name of [REDACTED] and that he was not wanted through all systems. Officer CUTTING then confronted the subject and stated, "You ran from me last year." Officer CUTTING recalled an arrest that occurred a year earlier where he and Officer GROHN tried to take the subject into custody and Officer GROHN ended up tasing the subject three times.

Once Officer CUTTING recalled the subject's true name, he ran the name through ECPD dispatch and determined that the subject was [REDACTED]. As the information came out that the subject was wanted, Officer D. EHLERS was in the doorway. Officer CUTTING turned to Officer B. EHLERS and gave him the crossed wrist signal, which meant to them that they needed to handcuff him. Officer CUTTING was on the right side of the subject and Officer B. EHLERS was on the left side of the subject. They both started to reach down to grab his arm, and Officer CUTTING felt the subject tense up. Officer CUTTING told him something like, "I'm not going to fight you like last year." The subject then threw his right arm back, pushing him towards the corner of the motel room. He then pushed Officer B. EHLERS out of the way and started running towards Officer D. EHLERS in the doorway. Officer D. EHLERS fired his taser at the subject, and the subject began running away from the motel room. Officer D. EHLERS got caught up in the wires of the taser and this was slowing him down. Officer CUTTING stated that he tapped Officer D. EHLERS out of the way as they were going down the stairs, and he was able to continue chasing after the subject. Officer CUTTING was able to pull out his 26-inch ASP, carrying it in his strong arm as he was chasing the subject into the street across the median. The subject continued to run southbound on El Cajon Blvd. and then eventually crossed over to Wilson Street. Officer CUTTING stated that he saw a vehicle parked at Wilson and El Cajon Blvd., and he thought the subject was going to pull out the driver and take the truck. As they got up to the side of the truck, the subject was standing towards the extra cab portion of the pickup when he turned and faced Officer CUTTING. Officer CUTTING stated that he swung at the subject twice with his baton, but the subject had no reaction and jumped into the bed of the pickup truck. Once in the bed of the truck, the subject was squatted down or on his knees. Officer CUTTING believed he could strike the subject one more time, so he reached back in an overhead striking motion and tried to strike the subject in the upper torso. The subject blocked the ASP with one forearm and was able to grab the ASP with his other hand. Officer CUTTING was unsure which hand he was actually using to grab and block the baton.

Officer CUTTING stated that the subject got a grip onto the small end of the ASP and took it out of his hands. He stated it is a 26-inch black ASP with a mushroom grip holder. When he felt the subject gaining control over the ASP, Officer CUTTING tried to jerk the ASP back. However, the subject overpowered him and took the baton from him. Officer CUTTING said the subject had the ASP in his right hand, at which point Officer CUTTING felt the subject was going to swing the ASP and hit and kill him. As the suspect was holding the small part of the ASP, he felt him pull on it. Officer CUTTING tried to continue to retain the ASP, but the suspect ripped it right out of his hand. Once the suspect got a hold of it, he came back with it over his shoulders. Officer CUTTING saw the suspect's torso

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getting larger as he was trying to hit him with the ASP. As the suspect was swinging in a downward motion, Officer CUTTING drew his weapon. He said he didn't see anyone else, and he fired one round at the suspect's chest. He then fired a second round as the suspect continued to swing towards him.

Officer CUTTING stated he does not remember if he was giving commands at that point. He said he had given verbal commands to the suspect as he was chasing after him and as he was hitting him with his ASP, and it seemed that the verbal commands were without purpose at this point.

Officer CUTTING stated that at the time of the initial contact, the subject was giving a false name and he felt it wasn't going to be a good contact at that point. Once the subject came back wanted, Officer CUTTING described his adrenaline going up. He was also very nervous and his fear level was going up. He stated this suspect was bigger than all three of the officers, and he was fearing, "why didn't we know who this guy was the first time, why were we chasing this guy, and why didn't the taser work". He stated that when the suspect came back [REDACTED] at that point he didn't see anyone pat down the subject, he was thinking that the subject might have a gun, and his level of fear was up at this point. He also stated that when the subject turned towards him next to the truck, he felt that the suspect was going to take the car. When the subject took a fighting stance, Officer CUTTING knew that the subject didn't want to take the car, it was him that he was after. Officer CUTTING stated that once the subject had the ASP, he thought the suspect was going to crack him over the head with the ASP.

Officer CUTTING went on to explain the call that occurred a year earlier with the same subject. He stated that he responded to a domestic violence call at Boulevard and El Cajon Blvd. in a house where there was a 242 DV. As he and Officer GROHN arrived, they heard glass breaking and a female then came out the front door. They made contact with the male at the doorway of the residence. He told the male that they wanted to talk to him, and the male answered, "fuck you" and then slammed the door. At that point, one of the officers put out that they needed more officers at the scene and Officer GROHN walked to the rear portion of the house out of Officer CUTTING's view. He heard a bad transmission and then heard sounds coming from where Officer GROHN was located. A neighbor told Officer CUTTING that his partner was chasing after the subject, at which time he started running after GROHN and the subject. As he caught up to GROHN and the subject, the taser had already been deployed. He felt the subject had a gun because he was reaching for something. Officer GROHN completed a second cycle of tasing, and the subject continued to try to get up. Officer CUTTING kicked him in the shoulders when he tried to get up, and he was tasered a third time. At this time, they were able to cuff the subject and he was arrested for parole violation. During a parole search of the residence, they found a very small quantity of methamphetamine, a pipe, and a hammer. After the arrest, they discovered that the subject was on parole for fighting with police officers.

After completing the interviews of all three officers and the clinician, each was photographed in the clothing that they were wearing and their equipment was documented by Lab personnel and Investigator Rich WISSEMANN. A walk-through was done on each individual officer at the scene, starting at the Villa Serena and walking down the street to Wilson and El Cajon Blvd. The walk-throughs were videotaped.

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As a result of the shooting, the suspect was transported to Sharp Hospital for medical attention. As of 10/10/06, at approximately 1600 hours, the suspect is still in surgical ICU and being guarded by officers of the El Cajon Police Department.

It should be noted that from the briefing and the subsequent investigation, the District Attorney's Office provided District Attorney Investigator Harold EISENGA to monitor and assist in the investigation.

On 10/10/06, at approximately 0900 hours, I contacted DAI EISENGA and explained to him that we had completed the investigation at approximately 0200 and we were now doing follow-up and additional witness checks. I explained to him the current condition of the suspect. I was told that due to this being a non-fatal Officer Involved Shooting at this point, I needed to contact the El Cajon District Attorney's Office.

At approximately 0930 hours, I talked with Deputy District Attorney Glenn McALLISTER and explained the situation to him. He stated that I would receive a telephone call later on advising which prosecutor would be vertically prosecuting this case. He suggested a meeting for 10/11/06.

Respectfully submitted,

AGENT R. ROULEAU, #75
INVESTIGATIONS DIVISION

RL:5021dr
10/11/06, 0855 hours
Summary

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